

Remarks

I. Summary of Office Action

Claims 1-31, 46-76, and 91-121 were pending in this application. Claims 32-45, 77-90, and 122-135 were withdrawn as being drawn to a non-elected invention.

Claims 1-3, 5-9, 11-15, 17-25, 27-30, 46-48, 50-54, 56-60, 62-70, 72-75, 91-93, 95-99, 101-105, 107-115, and 116-120 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,931 (hereinafter "Alexander").

Claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94, 100, 106, 116, and 121 are rejected under 35 U.S.C. § 103(a) as being obvious over Alexander.

II. Summary of Applicants' Reply

Applicants respectfully submit that independent claims 1, 46, and 91, as amended, are not directed to a non-elected invention and that this Reply is fully compliant.

Applicants have also added new claims 136-151. No new matter has been added and the claims are supported by the originally filed application. For example, support for these amendments and new claims can be found in paragraphs 44 and 46 of applicants' specification.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

III. Amended Claims are Directed to the Elected Invention

In an Office Action dated March 28, 2006, the Examiner stated that originally filed claims 1-135 were directed to two patentably distinct species. In particular, the Examiner argued that claims 1-31, 46-76, and 91-121 are directed to a first species described by Figure 5 of applicants' specification and

claims 32-45, 77-90, and 122-135 are directed to a second species described by Figure 6 of applicants' specification. The Examiner requested that applicants elect one of the two aforementioned species for substantive examination.

In response to the aforementioned election of species requirement, applicants elected the first species corresponding to Figure 5 of applicants' specification in the Reply to Office Action dated June 29, 2006.

In the current Notice, the Examiner contends that independent claims 1, 46, and 91, as submitted in the Amendment filed on October 11, 2007, are directed towards an invention that is independent or distinct from the invention previously claimed. More specifically, the Examiner contends that the independent claims as submitted represent Figure 6 of the applicants' specification, while the previously presented independent claims represent Figure 8 of applicants' specification. The Examiner asserts that Figure 6 represents a subcombination with "separate utility such as defining data collection criteria for a single user's television set-top box" (Office Action p. 2), while Figure 8 represents a subcombination with "separate utility such as providing control of a subset of a plurality of users' set top boxes in response to commands transmitted by a television head-end" (Office Action p. 2). The Examiner has required restriction between subcombinations usable together in a single combination under MPEP § 806.05(d), and has therefore found the claim amendments in applicants' Reply to Office Action dated October 11, 2007 non-compliant.

Applicants respectfully submit that Figures 6 and 8 of applicants' specification do not disclose independent nor distinct inventions. Rather, Figures 6 and 8 both illustrate steps for implementing the features described with respect to Figure 5, which was previously elected by applicants in response

to the March 28, 2006 election of species requirement, as noted above.

Figure 5 shows illustrative steps involved in data collection in an interactive television application for research purposes. In steps 506 and 508, an interactive television application with data collection capabilities is implemented on user equipment. At step 510, data is generated for discrete actions that occur between the user and the interactive television application. The data may be generated to support one or more research focuses, such as a system usability study. Then at step 512, the generated data is stored either locally on the user equipment or remotely at a head end or another remote site.

Figure 6 illustrates a method of selectively collecting data from only a subset of user equipment. The illustrated steps of Figure 6 may be implemented, for example, at step 508 of Figure 5, in which data collection is implemented at the user equipment.

Figure 8 also shows an illustrative implementation of steps shown in Figure 5. Figure 8 discloses data generation comprising the additional feature of data screening based on research criteria before storage. The screening may be done to eliminate data that does not add value to the research focuses for which the data is being generated, collected, and stored. Thus, the steps of Figure 8 further elaborate on steps 510 and 512 of Figure 5.

Therefore, applicants respectfully submit that the claims previously pending and currently amended are not directed toward separately usable subcombinations of Figure 6 and Figure 8 as the Examiner contends, but rather toward the overall method of providing data collection features. Accordingly,

applicants request that the amendments to the claims be entered and examined.

However, applicants have also added new claim 151, which is clearly related to the originally claimed invention. Should the Examiner maintain that independent claims 1, 46, and 91, as amended, should be withdrawn, applicants submit that at least claim 151 should not be withdrawn. Therefore, for at least this additional reason, this response should be considered compliant.

IV. The Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected independent claims 1, 46, and 91 under 35 U.S.C. § 102(e) as being anticipated by Alexander.

Applicants' claims 1, 46, and 91, as amended, are directed toward a method and systems for implementing an interactive television application on a plurality of user equipment in different households to provide interactive services to a plurality of users. In response to a command from a head end, a sub-plurality of user equipment is selectively enabled for data collection. A subset of research criteria is selectively enabled from a plurality of research criteria to support a research focus. An individual data record is generated for each one of a series of discrete acts that occurred on the interactive television application of the enabled sub-plurality of user equipment and that meet the enabled subset of research criteria. The data record is screened based on the enabled subset of research criteria, and the screened data record is processed to evaluate the research focus.

For example, if the research focus of interest is a system usability study of a particular neighborhood of users,

then the head end might enable data collection only for the user equipment in that neighborhood. Moreover, only data relevant to system usability would be included in the individual data records, for example, duration of certain remote button presses.

Alexander refers to a method for creating a user profile using data collected from the user's interaction with an EPG. The EPG then employs the user profile to customize its functions and services towards that particular user, including customized presentation of advertisements.

Applicants' claimed technique for generating individual data records from a sub-plurality of user equipment and based on selectively enabled research criteria represents a patentable improvement over Alexander. Disclosure cannot be found in Alexander that shows or suggests selectively enabling a sub-plurality of user equipment in response to a command from a head end to generate individual data records that support a research focus.

More specifically, the portions of Alexander indicated by the Examiner are directed toward collecting user interaction data in order to develop a user profile for that particular user. In developing these user profiles, it is generally beneficial to collect all of the data that is relevant for creating user profiles from each and every user because when information is not collected for a particular user that user cannot benefit from the customized functions and services that can be directed toward that user based on his user profile. Rather than collecting information from every user in order to develop comprehensive user profiles, applicants' claims specify that selected data is collected for a research focus. Applicants' claims specify that only a portion of user equipment is enabled for data collection and only acts that meet the subset of research criteria of the research focus are included

in the individual data records. Disclosure of these claimed features cannot be found in Alexander.

Accordingly, for at least these reasons, applicants respectfully submit that the rejection of amended claims 1, 46, and 91 under 35 U.S.C. § 102(e) should be withdrawn.

V. The Rejections Under 35 U.S.C. § 103(a)

Claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94, 100, 106, 116, and 121 are rejected under 35 U.S.C. § 103(a) as being obvious over Alexander. Applicants have cancelled claims 4, 49, and 94 without prejudice.

The Examiner has taken Office Notice of the various features of claims 4, 10, 16, 26, 31, 49, 55, 61, 71, 76, 94, 100, 106, 116, and 121 that the Examiner concedes are not shown in Alexander.

While applicants believe that the independent claims are now in condition for allowance and that these dependent claims are therefore also in condition for allowance, applicants expressly reserve the right to traverse the Examiner's Official Notice should the Examiner maintain the Official Notice in a subsequent Office Action. Therefore the Examiner's Official Notice should not be taken as admitted prior art. Applicants note that the Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (MPEP § 2144.03(A)).

VI. Independent Claim 151

Applicants have added new independent claim 151. Applicants submit that claim 151 is supported by the originally filed specification and is patentable over Alexander.

Claim 151 is directed towards a method for implementing an interactive television application on user equipment to provide interactive services to a user. A plurality of research focuses related to interactive television services is selected. A data record is generated of discrete actions that occur between the user and the interactive television application, and that are related to at least one of the selected research focuses. The information contained in the generated data record is differentiated based on the research focus for which it was collected and the data record is stored.

As mentioned above, data is collected in Alexander to facilitate the creation of a user profile. Disclosure cannot be found in Alexander that shows or suggests data being collected for other research focuses that are not related to gaining an individual understanding of the user. Thus, disclosure cannot be found in Alexander that shows or suggests generating a data record of actions for a plurality of research focuses. Disclosure also cannot be found in Alexander that shows or suggests differentiating the information contained in the generated data record based on the research focus or focuses to which it related.

Accordingly, for at least these reasons, applicants respectfully submit that new independent claim 151 is patentable over Alexander.

VII. The Dependent Claims

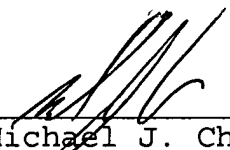
Applicants have demonstrated that the amended independent claims 1, 46, and 91 are allowable. Claims 2, 3, 5-31, 47, 48, 50-76, 92, 93, and 95-121 depend from one of amended claims 1, 46, and 91, and are allowable at least because claims 1, 46, and 91 are allowable.

Newly added dependent claims 136-150 also depend from one of amended claims 1, 46, and 91. Therefore, claims 136-150 are also allowable.

VIII. Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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